

20.09.2024
Court No.29
Item No.12

Allowed

sg

CRM (A) 3387 of 2024

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure read with Section 482 of the BNSS Act, in connection with Saktipur Police Station Case No. 87 of 2024 dated 29.03.2024 under Sections 341/324/325/307/302/34 of the Indian Penal Code, pending before the learned Chief Judicial Magistrate, Berhampur, Murshidabad.

And

In Re: **Mosha Sk @ Mosaraf Sk**

Petitioner

Mr. Benajir Hasna
Mr. Bibaswan Bhattacharya
Mr. Aliul Islam

For the Petitioner

Mr. P.K. Datta
Mr. Soumya Basu Roy Chowdhury

For the State

1. Claiming parity with the co-accused person namely, Anisur Rahaman @ Anisur Sk & Ors, who has been granted anticipatory bail in CRM(A) 2669 of 2024 on 6th August, 2024, the present petitioner has prayed for anticipatory bail.
2. The learned Counsel for the State, in opposing the prayer for anticipatory bail, has referred to the statement of the victim recorded under Section 164 of the Code of Criminal Procedure. The said statement was considered by this Bench on 6th August, 2024 while deciding the application for anticipatory bail of Anisur Rahaman @ Anisur Sk, Salam Sk and Ejarul Sk. Admittedly, the hands of the present petitioner have been amputated and he has also lost one of his eyes earlier allegedly by explosive substance.

3. Considering the nature and extent of his disability and his possibility of participation in the physical assault that had resulted in the death of the father of the defacto complainant and also having regard to the fact that charge sheet has already been filed, we are of the view that custodial interrogation of the present petitioner is not necessary.
4. Accordingly, we direct that in the event of arrest the present petitioner, namely, **Mosha Sk @ Mosaraf Sk**, shall be released on bail upon furnishing a bond of Rs.10,000/-, with two sureties of like amount each, one of whom must be local, subject to the satisfaction of the Arresting Officer and also to comply with the conditions as laid down in Section 438(2) of the Code of Criminal Procedure, 1973 and on further condition that the petitioner shall appear before the learned Chief Judicial Magistrate, Murshidabad at Berhampore corresponding to G.R Case No. 1543 of 2024 within two weeks from date and the petitioner shall not intimidate the witnesses or tamper with evidence in any manner whatsoever. It is further ordered that the petitioner shall appear on every date before the aforesaid Court on and from the date fixed for appearance of the accused. In the event of non-compliance of any of the conditions, the anticipatory bail shall stand automatically cancelled without any further reference to this Court.
5. Accordingly, the prayer for anticipatory bail of the petitioner is allowed.
6. All parties shall act on the server copies of this order duly downloaded from the official website of this Court.

(Soumen Sen, J.)

(Uday Kumar, J.)